REMARKS

Claims 1-2, 4-16, 18-24 and 26-35 are presented for examination, of which, claims 1, 15, 23, 34 and 35 are written in independent form.

Claim Rejections under 35 U.S.C. § 112

The Office action rejects claim 35 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office action states:

> [C]laim 35 recites first, second, and third processors . . . a first processor comprising a plurality of gateways in a network, a second processor comprising a call controller; and a third processor comprising a management system; and there is not sufficient disclosure description for this.

(Office action at ¶ 3)

Applicants respectfully disagree. As shown in Figure 3, the "management system," "softswitch" and "media gateways" are illustrated as distinct entities providing various features of the system. The specification states:

> Various features of the system can be implemented in hardware, software, or a combination of hardware and software. For example, some aspects of the system can implemented in computer programs executing on programmable computers that include one or more processors.

(Specification, page 29, lines 19-23)

Accordingly, the specification explicitly recites that aspects of the system can implemented with "one or more processors." One of ordinary skill the art would appreciate, in light of this explicit disclosure, that the "management system," "softswitch" and "media gateways"—all of which are aspects of the system—could each be implemented with a processor. Applicants therefore request that this rejection be withdrawn.

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Claim Rejections under 35 U.S.C. § 103

The Office action rejects all claims under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent No. 6,421,727 (Reifer et al.) in view of U.S. Patent Application Publication No.

2002/0188713 (Bloch et al.). Applicants respectfully traverse the rejections.

All of the claims are directed to downloading a call service component in response to a

network carrier turning on a new service for a particular user area comprising a plurality of users.

The call service component is downloaded when a new service is turned on, but not on a per-call

basis. The call service component is removed when the network carrier shuts off the new

service.

According to the Office action, the only feature missing from the Reifer et al. patent is

that a call service component is downloaded when a new service is turned on, but not on a per-

call basis. (Office action at pp. 4 and 8-11) To overcome the shortcomings of the Reifer et al.

patent, the Office action relies on the Bloch et al. publication. The combination of these

references, however, does not disclose or suggest the claimed subject matter.

It appears that the Office action is relying on alleged disclosure in the Reifer et al. patent

that, in fact, is not disclosed by that reference. Every independent claim recites downloading the

call service component in response to a network carrier turning on a new service for a particular

user area comprising a plurality of users. An example is discussed in the specification:

> Service components 42, 44 are downloaded from the manager 62 to the
> server 60 when the carrier turns on a new service, for example, when new
> access interfaces are configured at a gateway 24 or when gateways 24 with
> new capabilities are added. When a service no longer is needed, the
> service component(s) can be removed from the softswitch 26.
>
> * * *
>
> Hardware cards and network connections are installed and configured at
> the media gateways 24 and softswitch 26 to support the call services.
> Next, selected call services are downloaded from the repository 66 of
> services. For example, in one implementation, services for ISUP, ISUP+,
> Primary Rate Interface (PRI) and wireless applications are downloaded.
> The management system 46 downloads the service components using
> JDMK application programming interfaces. . . . Resource components 44
> for call translation and routing data, such as dialing plans and office codes

associated with SS7 trunk circuits, are downloaded using SNMP and the
JDMK application programming interfaces. Live traffic then can be sent
over the network 22 using the softswitch 26.

(Specification, page 9, line 23 - page 10, line 5 and page 18, line 15 - page 19,
line 9)

The Office action points to column 3, line 52 - column 4, line 17 and column 5, lines 38-

50 of the Reifer et al. patent as allegedly disclosing the claimed features. (Office action at pp. 3-

4) These passages of the Reifer et al. patent discuss seemingly disparate aspects of the system:

(1) how a gateway opens a channel for an individual call, and sends the call to the PSTN (*i.e.*, the

public telephone network)[1] and (2) that records are made of "activation, deactivation, and service

changes." As will be discussed in turn, neither of these features in the Reifer at al. patent

corresponds to downloading a component for a "plurality of users" in response to a "network

carrier" turning on a new service.

With respect to how the gateways operate, assuming *arguendo* that a "component" is

downloaded at all, it is not in response to anything done by the network carrier. To the contrary,

the system in the Reifer et al. patent downloads a "component" in response to a user initiating a

call. Moreover, because the "component" is for connecting individual calls, it is not "for a

particular user area comprising a plurality of users." At most, this "component" in the Reifer at

al. patent is for the one user placing the call.[2]

Also, the Office action's assertion that "activation, deactivation, and service changes"

correspond to downloading components "in response to a network carrier turning on a new

service" is misplaced. This "component" in the Reifer et al. patent is for activating, deactivating,

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[1] The Office action asserts that in the Reifer et al. patent, the gateway downloads a "component" "from a PSTN
server." (Office action at p. 4) Applicants respectfully disagree with this characterization. As disclosed by the
Reifer at al. patent, and would be understood by one of ordinary skill in the art, the PSTN is the "public switched
telephone network." (Reifer et al., col. 3:35-36) In the Reifer et al. patent, the PSTN is simply the public telephone
network, and is not a "server" that provides "components."

[2] Furthermore, even if two users in the Reifer et al. system are connected, the "component" in question is
downloaded for only the user initiating the call. The receiving user has a separate "component" associated with
receiving the call. (*See* Reifer et al., col. 3:52-67; Office action at p. 5, acknowledging that the Reifer et al. patent
discloses a "half-call model")

or changing the service of an individual user and not a plurality of users, as recited in the pending claims. Moreover, the claims recite that the component "support[s] telecommunication traffic to or from" a gateway. There is no disclosure in the Reifer et al. patent to suggest that the "components" that cause "activation, deactivation, and service changes" support telecommunication traffic. The only "components" in the Reifer et al. patent that may support telecommunication traffic are those that connect individual calls, discussed above.

Moreover, because the Reifer et al. patent fails to disclose or suggest the downloading of components as claimed, it also fails to disclose or suggest their removal as claimed. Regardless of which of the two ways the Office action construes the term, "components" in the Reifer et al. patent are not removed "when the network carrier shuts off the new service corresponding to the call service component for the particular user area." Assuming, on the one hand, that "components" in the Reifer et al. patent pertain to connecting individual calls, the components are "removed" in response to a user ending a call, not in response to anything done by the network carrier. Also, because the "component" is for connecting a single user, the "component" is not for a "user area" which comprises a plurality of users. Likewise, if the "components" pertain to "activation, deactivation, and service changes," they too relate to a single user, and therefore the "component" is not for a "user area" which comprises a plurality of users.

Therefore, there are far more features of the pending claims that are missing from the Reifer et al. patent than the Office action acknowledges. Because the Bloch et al. publication also fails to disclose these features, the Office action's rejection is improper and should be withdrawn.

In fact, even the particular missing feature that the Office action alleges is disclosed by the Bloch et al. publication is, in fact, absent. The Office action relies on the Bloch et al. publication for disclosing that the "the [call] service component download is not on a per-call basis." (Office action at p. 4) In particular, the Office action points to the maintenance features of the Bloch et al. publication. While the Bloch et al. publication does disclose updating the software on a "media control platform" or "MCP" (*see* Bloch et al. ¶¶ [0114], [0274]-[0282]),

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there is no disclosure whatsoever that the updates relate to call service components or that the update is in response to a network carrier turning on a new service. Instead, the upgrades relate only to the MCP software as a whole (and not to call service components), and upgrades are triggered based on "version checking" (and not in response to new services being turned on):

> MCP Upgrade is triggered by NSP 22 when a MCP is restored into service . . . .NSP 22 requests a version check of the MCP 28 software . . .the MCP Upgrade task initiates a query to the IMS, in order to determine the official current version of available MCP software. . . .If the current MCP software does not match that on the IMS, then NSP 22 the MSPSWR message is returned indicating the mismatch and the need for upgrade. MCP 28 then requests download of the new version from the IMS.

(Bloch et al. ¶¶ [0279]-[0280])

Accordingly, the Reifer et al. patent and the Bloch et al. publication, alone or in combination, fail to disclose or render obvious the claimed subject matter. Therefore, Applicants respectfully request allowance of claims 1-2, 4-16, 18-24 and 26-35.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.
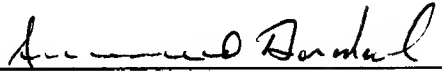
The petition fee in the amount of $120.00 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any charges or credits to deposit account 06-1050.

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Respectfully submitted,

Date:_____ 6/5/07 _____

_____ Samuel Borodach _____

Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

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